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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,192	08/11/2006	Yoshiyuki Kobayashi	292903US8PCT	6514

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EXAMINER	
NGUYEN, HUY THANH	
ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
09/17/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/589,192	KOBAYASHI ET AL.	
	Examiner	Art Unit	
	HUY T. NGUYEN	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 August 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/12/07,8/11/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 17 directed to a program without specifying the location of the program and the program is an encoded program stored on a computer readable medium . See MPEP 2100.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7,9-10 and 13-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Jung et al (US 20040081434).

Regarding claim 1, Jung discloses a playback apparatus (Fig. 9, sections 0047-0049,007,0077-0079) for playing back an AV stream recorded on a removable

recording medium and generating subtitle data for displaying subtitles corresponding to the AV stream, the playback apparatus comprising:

reading control means for controlling reading of first information including a character object and attribute data for displaying the subtitles from the recording medium or a storage unit within the playback apparatus (sections 0110,0125);

character object storing means for storing the ! character object included in the first information whose reading is controlled by the reading control means (section 0110);

attribute data storing means for storing the attribute data included in the first information whose reading is controlled by the reading control means (sections 0112-0121,0130,0133); and

conversion means for acquiring font data and converting

the character object stored in the character object storing means into the subtitle data by using the attribute data stored in the attribute data storing means and the font data (0112).

Method claim 15 corresponds to apparatus claim 1. Therefore method claim 15 is rejected by the same reason as applied to apparatus claim 1.

Further for claims 16 and 17, Jung further teaches a program stored on a computer readable medium since the operations of the recording/ reproducing apparatus are controlled by a computer (central processing unit) (section 0174, Figs. 1,9,19,23).

Regarding claim 2, Jung teaches an operation input acquiring means for acquiring a user's operation input,

wherein, on the basis of the user's operation input acquired by the operation input acquiring means, the reading control means controls the reading of the first information stored in the recording medium or the storage unit within the playback apparatus (sections 0130,0133, Fig. 13).

Regarding claim 3, Jung further teaches:

operation input acquiring means for acquiring a user's operation input; and

attribute-data-change control means for controlling change of the attribute data stored in the attribute data storing means on the basis of the user's operation input acquired by the operation input acquiring means,

wherein the conversion means converts the character object into the subtitle data on the basis of the attribute data whose change is controlled by the attribute-data-change control means (section ,0125,0130,0131, Fig. 13).

Regarding claim 4, Jung teaches an operation input acquiring means for acquiring a user's operation input,

wherein the conversion means changes the acquired font data on the basis of the user's operation input acquired by the operation input acquiring means(section 0130,0132, Fig. 13).

Regarding claim 5, Jung teaches an operation input acquiring means for acquiring a user's operation input,

wherein the reading control means performs: further controlling reading of second information which is stored in the storage unit and which is information for controlling the reading of the AV stream and the first information, and the AV stream recorded in

the recording medium;

controlling reading of the second information on the basis of the user's operation input acquired by the operation input acquiring means; and

controlling reading of the AV stream and the first information on the basis of the read second information (Fig. 19, sections 0110- 0112).

Regarding claim 6, Jung further teaches a first decoding means for decoding the AV stream whose reading is controlled by the reading control means (Fig. 9, sections 0110-0112).

Regarding claim 7, Jung further teaches an output means for combining the subtitle data generated by conversion by the conversion means and video data included in the AV stream decoded by the first decoding means, and outputting the combined data.(Fig. 9, section 01110).

Regarding claim 9, Jung teaches decoding means for decoding the first information

whose reading is controlled by the reading control means, wherein: the character object storing means stores the character object included in the first information decoded by the decoding means; and

the attribute data storing means stores the attribute data included in the first information decoded by the decoding means (section 0110-0112,0125).

Regarding claim 10, Jung teaches a communication means for exchanging information

with a predetermined information processing apparatus via a network,

wherein the first information, which is received by the communication means, is stored in the storage unit within the playback apparatus (section 0125).

Regarding claim 13., Jung teaches a storage means for storing the first information whose reading is controlled by the reading control means,

wherein the storage means stores the first information, in which reading of the entirety of the first information is collectively controlled by the reading control means (sections, 0110-0112,0125).

Regarding claim 14, Jung teaches a table information generating means for generating table information representing relationships between information of decoding start points of the first information whose reading is controlled by the reading control means and time stamps at the decoding start points,

wherein the reading control means controls the reading of the first information by referring to the table information generated by the table information generating means (sections 0113,0114, 0117, Figs. 16-19).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jung in view of Seo et al (2004/0146279).

Regarding claim 8, Jung fails to specifically teach using a control means having a counter for calculating a timing for decoding the AV data and first information

Seo teaches a reproducing apparatus using a control means having a counter for calculating a timing for decoding AV data and information by a first decoder and a second decoder for accurately accessing the an data and the information to be reproduced (Fig. 10, sections 0058-0068). . It would have been obvious to one of ordinary skill in the art to modify Jung with Seo by using a control means as taught by Seo with Jung for controlling decoding of the AV data and first information by the first decoder and the second decoder thereby accurately reproducing the AV data and first information..

7. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jung in view of Asato (7,302,158).

Regarding claim 11, Jung does not teach generating means for generating a virtual file for storing the first information and second information . Asato teaches a generating means for generating a virtual file for storing information (Fig. 5, column 1, lines 35-55) . It would have been obvio8s to one of ordinary skill in the art to modify Jung with Asato by using a generating means for generating a virtual file for storing the first information and second information thereby enhancing the Jung apparatus capacity in managing and editing the information.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/
Primary Examiner, Art Unit 2621